

1925.

File No. 186-25

Previous References

(Cawtho)

Serial Nos. 1-2

Later references.

Ch 90-31-1-4

PRESERVED

preserved

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for January 1926.

SUBJECT

Addendum et corrigendum to the Process
rules laying down interpretation of certain
terms

G.O.P. 3668827-1-26

Some Ngr. Secy. Com.

Sanctioned

M. G. J. J. J.
5/2/26

GENERAL AND REVENUE SECRETARIAT.

Cmts.

NOTES.

File No. 18625

FILE HEADING.

Addendum et compendium to the process rules laying down
the notation of certain terms.

From

The Presiding Court

Owe No: 337

Dated 11-1-1926

Received 15-1-26

Diary No. 2861 }

Enclos. /

Spare Copies: }

Serial No. /

BRIEF ABSTRACT OF LETTER.

States that the terms 'personal service' and 'executed' have been
interpreted differently in different subordinate courts and that the chief court
considers that a correct interpretation should be laid down so as to ensure uniformity
in all the courts for the correct preparation of process returns and reports
in relation to the ensuing addendum to the process rules laying down the
correct interpretation of the terms.

NOTES AND ORDERS.

Rule 24 of the process rules (page 47 of Vol II
of General rules and orders civil) lays down that the
process returns have to prepare a monthly statement
(page 120 of Vol II of General Rules and orders civil) showing
the total number of processes issued and executed. The
addendum of 27-5-1925 has added 2 more columns to

NOTES—First Sheet.

Serial
No.

the existing columns nos 9 and 10.
Column no 9 - has been divided into
9 A - No. of persons to whom processes other than
warrants issued and
9 B - No. of persons served personally
Column no 10 - has been divided into
10 A - No. of warrants issued and
10 B - No. of warrants executed.

It is stated that mistakes are often made
in the calculation of processes that have to be
entered in column 9 B and 10 B. To avoid
the mistakes, the terms 'personal service'
and 'executed' are sought to be defined.

With a draft sanctioning - may be kept

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19/1/26
28/1

L.H. Secy

1/2/26

21.1

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To The Registrar Ch. Ch.

No P 3668 D 27.1.26

Sanctions the recommendation of the
Registrar.

B

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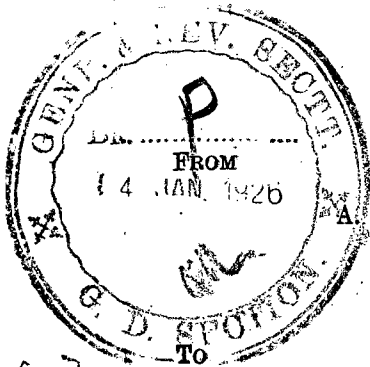
Telegraphic }
Address. } "JUSTICE"

2861
p 825

CHIEF COURT OF MYSORE

Bangalore, dated 11th Jan. '26

No. Roc 337/25-26 Enc one.



A. SREENIVASARAGAVACHARI, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

B. Nagappa Esq., Bar-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments,
Bangalore.

SIR,

I am directed to state that column 9 B of the Process Statement prescribed under Rule 24 of the Process Rules (Notification of the Chief Court, dated the 28th March 1911 as amended by addendum et corrigendum thereto dated the 27th August 1925) requires to be stated "the number of persons served personally". But it has been ascertained that there has been no uniform interpretation of the term 'personal service' in the Subordinate Courts. While some courts include under the term only processes actually served on person, other courts are in the habit of including even process served by substituted service e.g. beat of tom-tom etc., which is incorrect. It is therefore necessary to lay down the exact interpretation of personal service so that no court may be placed at an advantage or disadvantage owing to the narrow or liberal interpretation of the term.

Similarly the term 'executed' in the new column 10 B of the statement also needs to be defined.

With a view to ensure uniformity, it is proposed to issue the enclosed addendum to the Process Rules laying down the interpretations of these terms and I am ^{to} request that

Government

Government may be pleased to accord their sanction thereto.

I have the honour to be,

Sir,

Your most obedient servant,

Heen adpouch

Registrar. 13/1/26

BKC.

[Signature]

Civil Side.

Addendum dated..... 1926 to the process Rules issued under Notification dated the 28th March 1911, as amended by Addendum et Corrigendum dated the 27th August 1925.

The Chief Court directs that the foot note introduced by the addendum et corrigendum dated the 27th August 1925, be numbered as No.1 and the following be added as foot note No.2:-

2. *The* term 'personal service' in Column 9 B includes only processes

- (1) Served on person, i.e. tendered to the person ~~and~~ and accepted by him;
- (2) tendered to the person, but refused by him;
- (3) not served (a) owing to compromise or settlement out of court endorsed on the process and (b) for other reasons at the request of the party who takes out the process.

All other kinds of service should be excluded from "personal service".

The term "Executed" in column 10 B includes cases where the decree is fully or partly satisfied or the plaintiff is not willing to proceed with the execution of the warrant.

BKC.

Hein Lapach
Registrar. 13/1/26

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Civil Side.

Addendum dated 1926 to the process ~~and~~
Rules issued under notification dated the 28th March 1911'
as amended by Addendum et Corrigendum dated the 27th August 1925

The Chief Court directs that the foot note introduced by
the addendum et corrigendum dated the 27th August 1925, be
numbered as No.1 and the following be added as foot note No.2--

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- (1) served on person, i.e. tendered to the person
and accepted by him;
- (2) tendered to the person, but refused by him;
- (3) not served (a) owing to compromise or settlement
out of court endorsed on the process and (b) for
other reasons at the request of the party who takes
out the process.

All other kinds of service should be excluded from
"personal service".

The term "Executed" in column 10 B includes cases where
the decree is fully or partly satisfied or the plaintiff is
not willing to proceed with the execution of the warrant.

For Secretary to Government,
Local and Legislative Departments.

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SUBJECT.....
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Diary No. of letter replied to.....

Section *Cto*

File No. *186-25*

Serial No. *2*

General and Revenue Secretariat

Proceedings of the Government of
His Highness the Maharaja of Mysore

, the

192

Date of issue.....

27/1/26

Signed by.....

M. C. A. G.

May this be

- i Printed ?
- ii treated as a standing order ?
- iii published in the Gazette,
English Part ?
- iv translated ?
- v placed at the disposal of the press ?
- vi published in the Gazette,
Kannada Part ?

Read—

Letter no. Doc 3378/14-1-26
from the Regt. Chief Comr.
stating that in entering the
figures in columns 9 B and 10 B
of the process statement prescribed
under Rule 24 of the process Rules
there has been no uniform practice
as the terms 'personal service'
and 'Emancipated' have been interpreted
differently in different Comrs and
~~Order Thereon No.~~ that it is desirable
to have a uniform practice
and requesting sanction to the
accompanying addendum to the
process Rules laying down the
interpretation of these terms
order *P 3668 C*

Sanctioned

21-1 *L. Singh*

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The Regt. Chief Comr. underack

21/1/26